

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM TOMINO, Individually )  
and trading as Tomino's Deli, ) Civil Action  
Plaintiff ) No. 08-cv-06018  
vs. )  
CITY OF BETHLEHEM; )  
JOHN R. LEZOCHÉ, Individually )  
and as Zoning Officer for the )  
City of Bethlehem, )  
Defendants )

O R D E R

NOW, this 7<sup>th</sup> day of February, 2012, upon consideration  
of the following documents:

(1) Defendants City of Bethlehem and John R. Lezoche's Motion for Summary Judgment filed October 21, 2011 (Document 36), together with,

Defendants City of Bethlehem and John R. Lezoche's Memorandum of Law in Support of Their Motion for Summary Judgment (Document 36-2);

Defendants City of Bethlehem and John R. Lezoche's Undisputed Statement of Facts (Document 36-3);

(2) Plaintiff's Answer to Motion of Defendants for Summary Judgment, which answer was filed November 23, 2011 (Document 37), together with,

Memorandum of Law (Document 37); and

(3) Defendants' Reply Brief in Support of its Motion for Summary Judgment, which reply brief was filed November 28, 2011 (Document 38-3);

and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that Defendants City of Bethlehem and John R. Lezoche's Motion for Summary Judgment is granted.

IT IS FURTHER ORDERED that judgment is entered in favor of defendant City of Bethlehem and against plaintiff William Tomino, Individually and trading as Tomino's Deli.

IT IS FURTHER ORDERED that the Amended Complaint of plaintiff William Tomino, Individually and trading as Tomino's Deli, against defendant John R. Lezoche, Individually and as Zoning Officer for the City of Bethlehem, is dismissed with prejudice.

IT IS FURTHER ORDERED that defendant John R. Lezoche's claim of qualified immunity is dismissed as moot.

IT IS FURTHER ORDERED that plaintiff's claim for punitive damages is dismissed as moot.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner  
James Knoll Gardner  
United States District Judge